

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

BARTELSON HOLDINGS LLC;  
BARTELSON TRUCKING LLC; BATP  
INC.; BRYAN BARTELSON; and  
JENNIFER BARTELSON

Plaintiffs,

v.

PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,

Defendant.

Case No. 3:16-CV-05861-RBL

**STIPULATION AND [PROPOSED]  
ORDER OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1), plaintiffs Bartelson Holdings LLC, Bartelson Trucking LLC, BATP Inc., Bryan Bartelson, and Jennifer Bartelson (collectively “the Insureds”), by and through their attorneys, Parsons Farnell & Grein, LLP, and defendant Philadelphia Indemnity Insurance Company (“Philadelphia”), by and through its attorneys, Sedgwick LLP, hereby stipulate and agree that all claims against Philadelphia are dismissed in part with prejudice and in part without prejudice as follows, without costs to either party:

1. With prejudice the Insureds’ claims based on Philadelphia’s alleged duty and obligation to pay attorney fees, costs, and disbursements incurred by the Insureds

**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL - 1**  
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Parsons Farnell & Grein, LLP.  
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1 in the defense of the action entitled *Karl Torgramsen, et al. v. Bartelson Trucking,*  
 2 *LLC, et al.*, Case No. 15-2-06445-8 for the Superior Court of the State of  
 3 Washington for the County of Pierce (“the *Torgramsen* Action”) as of November  
 4 30, 2016 (“Past Defense Costs”), and the Insureds’ claim for attorney fees, costs,  
 5 and disbursements incurred by the Insureds in pursuing insurance coverage under  
 6 Philadelphia policy numbers PHSD963518 and PHSD1050001 (“the Policies”) as  
 7 of November 16, 2016 (“Past Coverage Fees”), including the Insureds’ claims for  
 8 breach of contract, bad faith, violation of the Insurance Fair Conduct Act  
 9 (“IFCA”), violation of the Consumer Protection Act (“CPA”), and declaratory  
 10 judgment, but only to the extent these claims are based on Philadelphia’s alleged  
 11 duty and obligation to pay Past Defense Costs and Past Coverage Fees.

- 12 2. Without prejudice any and all claims based on anything other than Philadelphia’s  
 13 alleged duty and obligation to pay Past Defense Costs and Past Coverage Fees.  
 14 These reserved claims include, but are not limited to, the Insureds’ claims for  
 15 breach of contract, bad faith, violation of the IFCA, violation of the CPA, and  
 16 declaratory judgment to the extent any such claims relate to Philadelphia’s  
 17 alleged: (a) duty under the Policies to defend the Insureds in the *Torgramsen*  
 18 Action after November 30, 2016 or to pay the attorney fees, costs, and  
 19 disbursements incurred by the Insureds in the defense of the *Torgramsen* Action  
 20 after November 30, 2016; (b) obligation to pay the attorney fees, costs, and  
 21 disbursements incurred by the Insureds in pursuing insurance coverage under the  
 22 Policies after November 16, 2016; (c) duty to indemnify the Insureds against any  
 23 judgment entered in the *Torgramsen* Action or settlement agreed to regarding the  
 24 *Torgramsen* Action or to settle the *Torgramsen* Action on behalf of the Insureds;  
 25 or (d) violations of the regulations set forth in the Washington Administrative  
 26

# **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL - 2**

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Code, negligence, and/or breaches of the duty of good faith and fair dealing  
allegedly committed in handling the Insureds' claims related to *Torgramsen*  
Action to the extent those claims are based on anything other than Philadelphia's  
alleged duty and obligation to pay Past Defense Costs and/or Past Coverage Fees.

AGREED AND STIPULATED TO this 13th day of April, 2017.

PARSONS FARNELL & GREIN, LLP

SEDGWICK LLP

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**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL - 3**

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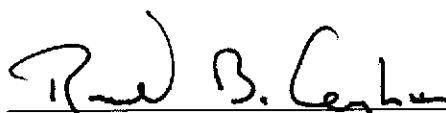
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**[PROPOSED] ORDER**

Pursuant to the foregoing stipulation, it is hereby ORDERED that Plaintiffs' claims against Philadelphia Indemnity Insurance Company are dismissed with prejudice and without prejudice, as set forth in the foregoing stipulation, and without an award of fees or costs as to either party.

DATED this 18<sup>th</sup> day of April, 2017



The Honorable Ronald B. Leighton  
United States District Judge

Presented by:

PARSONS FARNELL & GREIN, LLP

SEDGWICK LLP

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**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL - 4**

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